

**ASSEMBLY BILL**

**No. 114**

**Introduced by Assembly Member Nakano  
(Principal coauthor: Assembly Member Wiggins)**

January 14, 2003

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An act to amend Section 21655.5 of, and to add Section 363 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 114, as introduced, Nakano. Vehicles: hybrid vehicles: use of high-occupancy vehicle lanes.

Existing law authorizes the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles. Existing law prohibits driving a vehicle upon those lanes except in conformity with instructions imparted by official traffic control devices, except that a motorcycle or a mass transit vehicle may be operated upon those lanes unless specifically prohibited by a traffic control device.

This bill would authorize a hybrid vehicle, as defined, to be operated upon an exclusive or preferential use lane, regardless of the number of occupants in the vehicle, unless specifically prohibited by a traffic control device.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 363 is added to the Vehicle Code, to  
2 read:

3 363. A hybrid vehicle is a vehicle that is powered by a  
4 combination of an internal combustion engine and an electric  
5 motor.

6 SEC. 2. Section 21655.5 of the Vehicle Code is amended to  
7 read:

8 21655.5. (a) The Department of Transportation and local  
9 authorities, with respect to highways under their respective  
10 jurisdictions, may authorize or permit exclusive or preferential use  
11 of highway lanes for high-occupancy vehicles. Prior to  
12 establishing the lanes, competent engineering estimates shall be  
13 made of the effect of the lanes on safety, congestion, and highway  
14 capacity.

15 (b) The Department of Transportation and local authorities,  
16 with respect to highways under their respective jurisdictions, shall  
17 place and maintain, or cause to be placed and maintained, signs and  
18 other official traffic control devices to designate the exclusive or  
19 preferential lanes, to advise motorists of the applicable vehicle  
20 occupancy levels, and, except where ramp metering and bypass  
21 lanes are regulated with the activation of traffic signals, to advise  
22 motorists of the hours of high-occupancy vehicle usage. No person  
23 ~~shall~~ may drive a vehicle upon those lanes except in conformity  
24 with the instructions imparted by the official traffic control  
25 devices. A motorcycle, *a hybrid vehicle*, or a mass transit vehicle  
26 may be operated upon those exclusive or preferential use lanes,  
27 *regardless of the number of occupants in or on the vehicle*, unless  
28 specifically prohibited by a traffic control device.

29 (c) When responding to an existing emergency or breakdown  
30 in which a mass transit vehicle is blocking an exclusive or  
31 preferential use lane, a clearly marked mass transit vehicle, mass  
32 transit supervisor's vehicle, or mass transit maintenance vehicle  
33 that is responding to the emergency or breakdown may be operated  
34 in the segment of the exclusive or preferential use lane being  
35 blocked by the mass transit vehicle, regardless of the number of  
36 persons in the vehicle responding to the emergency or breakdown,  
37 if both vehicles are owned or operated by the same agency, and that  
38 agency provides public mass transit services.



1 (d) For purposes of this section, a “mass transit vehicle” means  
2 a transit bus regularly used to transport paying passengers in mass  
3 transit service.

4 (e) It is the intent of the Legislature, in amending this section,  
5 to stimulate and encourage the development of ways and means of  
6 relieving traffic congestion on California highways and, at the  
7 same time, to encourage individual citizens to pool their vehicular  
8 resources and thereby conserve fuel and lessen emission of air  
9 pollutants.

10 (f) The provisions of this section regarding mass transit  
11 vehicles shall only apply if the Director of Transportation  
12 determines that the application will not subject the state to a  
13 reduction in the amount of federal aid for highways.

